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JAN 28 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8077

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No.:
v.	COMPLAINT FOR VIOLATION OF
ESTRADA-Acosta, Jose Manuel Defendant.	21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about January 27, 2008, within the Southern District of California, defendant Jose Manuel ESTRADA-Acosta, did knowingly and intentionally import approximately 52.48 kilograms (115.46 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Special Agent
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF January 2008.

PETER C. LEWIS
U.S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
ESTRADA-Acosta, Jose Manuel

STATEMENT OF FACTS

This complaint is based on the personal observations, investigation and information provided to Immigration & Customs Enforcement Special Agent Mathew Kelley.

On January 27, 2008, at approximately 0630 hours, Jose Manuel ESTRADA-Acosta entered the United States at the Calexico, California, East Port of Entry. ESTRADA was the driver and sole occupant of a 1994 Nissan pickup truck. During the primary screening of the vehicle, ESTRADA informed Customs and Border Protection Officer (CBPO) Bejarano that he was on his way to Wal-Mart and that he had owned the vehicle for three months. A negative customs declaration was given by ESTRADA and the vehicle was referred to secondary for inspection.

During secondary inspection, CBPO Lee received a negative Customs declaration from ESTRADA. ESTRADA advised CBPO Lee he was on his way to Calexico to go shopping. ESTRADA then stated he had owned the pick up for three months. CBPO Lee noticed that the truck was not registered to ESTRADA. CBPO Lee noticed screws that appeared to be new on the front side of the floor to the bed of the pick up. CBPO Lee also noticed that the surface of the floor of the bed was uneven.

The vehicle was screened by Canine Enforcement Officer (CEO) Garcia and a Narcotics Detection Dog (NDD). The NDD alerted to the presence of the odor of drugs in the vehicle. Discovered was a total of forty-seven (47) packages concealed within a specially built compartment in the bed of the pickup. One of the packages was probed producing a green leafy substance, which field-tested positive for marijuana. The 47 packages had a combined net weight of approximately 52.48 kilograms (115.46 pounds).

ESTRADA was placed under arrest and advised of his Miranda Rights, which he acknowledged and waived, agreeing to answer questions without an attorney present. ESTRADA stated that he was to be paid approximately $1000.00 to drive the pickup into the United States. ESTRADA stated that he was not told what would be present in the vehicle, however, he assumed it was narcotics. ESTRADA stated that he was to drive the drug-laden vehicle to Wal-Mart.

ESTRADA was processed and transported to the Imperial County Jail pending her initial appearance before a U.S. Magistrate Judge in El Centro, California.